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Notice of Allowability

Application No.

10/729,175

Examiner

Urszula M. Cegielnik

Applicant(s)

CHERRY, DAVID J.

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 25 August 2004.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>8/25/2004</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|


DENNIS H. BANKS
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 3700

DECLARATION UNDER 37 CFR 1.131

The declaration filed on 25 August 2004 under 37 CFR 1.131 is sufficient to overcome the Brown (US Patent Application Publication No. 2003/0030211) reference.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The specific limitation(s) of "...a plurality of said free tickets, each of said free tickets displaying at least one game symbol, at least some of said playing cards and at least some of said free tickets including at least one eligible game symbol selected from said game symbols displayed thereon, and a master game card for use in conjunction with said playing cards and free tickets, said master game card including means for identifying at least one of said eligible game symbols as a winning game symbol...." are not anticipated or made obvious by the prior art of record in the examiner's opinion. For example, Peters et al. (US Patent No. 6,659,458), Stancik et al. (US Patent No. 6,612,576), Brown (US Patent No. 6,390,916), Gerow (US Patent No. 6,309,298), Harrison (US Patent No. 5,934,671), Orolin (US Patent No. 5,931,468), Fuller et al. (US Patent No. 5,788,237), Nannicola (US Patent No. 5,743,524), Scrymgeour et al. (US Patent No. 6,145,885), Stancik (US Patent No. 6,824,135), and Quinlan (US Patent No. 5,671,921) disclose a variety of pull-tab lottery games, some having a master deal card, others including more than one playing level with a chance for an instant win or bonus prize. However, the prior art fails to teach "...a plurality of said free tickets, each of said free tickets displaying at least one game symbol, at least some of said playing cards and at least some of said free tickets including at least one eligible game symbol

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selected from said game symbols displayed thereon, and a master game card for use in conjunction with said playing cards and free tickets, said master game card including means for identifying at least one of said eligible game symbols as a winning game symbol....".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 571-272-4420. The examiner can normally be reached on Monday through Friday, from 5:45AM - 2:15PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on 571-272-4419.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for both regular and After Final communications.

Urszula M. Cegielnik
Assistant Examiner
Art Unit 3714



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